

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

XIU JIN LIN;
WEN HUI LIN;
XU LIN; and,
HAO LIN,

Plaintiffs,

v.

CIVIL ACTION NO. 3:19-0283

KEVIN McALEENAN,
Acting Secretary of the Department
of Homeland Security; and
WILLIAM BARR,
United States Attorney General,

Defendants.

MEMORANDUM OPINION AND ORDER


This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendations for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that (1) Defendants' motion for stay (ECF No. 7) be granted; (2) Defendants be granted a stay until December 27, 2019, so that they may pursue the ongoing investigation regarding the potential filing of a Motion to Reopen (MTR); however the stay be predicated on Defendants resolving the investigation in a timely matter; and (3) Defendants be ordered to provide the Court, on or before December 27, 2019, with a status report detailing the efforts taken to conclude the fraud investigation and continue to provide a status report, at a minimum, every 60

days thereafter. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge and **ORDERS** that (1) Defendants' motion for stay (ECF No. 7) be **GRANTED**; (2) Defendants stay is **GRANTED** until December 27, 2019, so that they may pursue the ongoing investigation regarding the potential filing of a Motion to Reopen (MTR); however the stay is predicated on Defendants resolving the investigation in a timely matter; and (3) Defendants provide the Court, on or before December 27, 2019, with a status report detailing the efforts taken to conclude the fraud investigation and continue to provide a status report, at a minimum, every 60 days thereafter.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: November 1, 2019



ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE